

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff

v.

CODY LEE SPENCER (1),
Defendant

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Case No. 1:22-cr-00253-RP-1

Order on Motions to Withdraw and Appoint Counsel

Now before the Court are the Motion to Withdraw as Attorney of Record, filed July 18, 2023 by Defendant's attorney Mark Hull (Dkt. 72), and Motion to Appoint Counsel, filed July 24, 2023 by Defendant Cody Lee Spencer (Dkt. 75). The District Court referred Hull's Motion to the undersigned Magistrate Judge for resolution, pursuant to 18 U.S.C. § 3006A(b), 28 U.S.C. § 636(b)(1)(A), and Rule 44 of the Federal Rules of Criminal Procedure (Dkt. 73).

On July 21, 2023, the Court set a hearing on Hull's Motion for July 25, 2023. After Hull failed to appear, the Court held a hearing at which Defendant and Hull were both present on July 26, 2023. The Government was excused from the hearing and has taken no position on the motions.

Hull seeks to withdraw because Defendant "has failed to substantially fulfill an obligation to counsel regarding the lawyer's services, including payment of legal fees." Dkt. 72 at 1. Defendant states in his motion that he requests a court-appointed attorney because "I believe that Mr. Hull doesn't have my best interest in mind and has already stated himself that he will be withdrawing from my case." Dkt. 75 at 1.

Having considered the motions, the Court finds that there is good cause to appoint new counsel, and that Defendant has received notice. Consistent with the Court's Order Regarding Financial Status (Dkt. 11) and Defendant's representations during the hearing as to his current financial status, the Court further finds that Defendant cannot obtain counsel.

IT IS THEREFORE ORDERED that Defendant's Motion to Withdraw as Attorney of Record (Dkt. 72) and Motion to Appoint Counsel (Dkt. 75) are **GRANTED**. Michael Hull is hereby **WITHDRAWN** and **Greg T. Kinskey #24015125** is hereby **APPOINTED** as Defendant's counsel of record.

IT IS FURTHER ORDERED that the Government shall provide to Mr. Kinskey for discovery or inspection all items, information, and material previously produced to Mr. Hull in this case.

IT IS FINALLY ORDERED that this case be removed from this Magistrate Judge's docket and returned to the docket of the Honorable Robert Pitman.

SIGNED on July 27, 2023.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE